

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

ERIC JONES, individually and on)	
behalf of all others,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 5:19-cv-6130
)	
PAYDAYZ STAFFING)	
SOLUTIONS, INC.)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, Paydayz Staffing Solutions, Inc. (hereinafter “Defendant”), files this Notice of Removal to the United States District Court for the Western District of Missouri, St. Joseph Division. Removal is proper based on the following grounds:

I. Facts

On or about August 28, 2019, Plaintiff Eric Jones (“Plaintiff”) initiated a civil action captioned *Eric Jones, Individually and on behalf of all others v. Paydayz Staffing Solutions, Inc.* Civil Action No. 19CN-CC00056, in the Circuit Court of Clinton County, Missouri (the “State Court Action”). The Complaint alleges a single claim of “FCRA Violations” under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* against Defendant as a putative class action on behalf of Plaintiff and certain other prospective employees of Defendant. The Civil Cover Sheet Associated with this Notice is attached hereto as Exhibit A. True and correct copies of all the process, pleadings, and orders in the State Court Action that have been received by Defendant are attached hereto as Exhibit B.

Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed on or before the first court day following thirty (30) days after service of process by Defendant. Defendant was served with process on or about September 3, 2019. *See Exhibit B.*

The Defendant has not filed an Answer or other pleading in the State Court Action.

II. This Court has Federal Question Jurisdiction

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331, which provides that federal courts have original jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States” (“Federal Question”).

Plaintiff’s Complaint raises a Federal Question in that it expressly alleges that Defendant violated the “Fair Credit Reporting Act,” 15 USC § 1681, et seq., which is a law of the United States. *See Exhibit B, Complaint at ¶¶ 1, 4, 7, 8, 11, 23 - 30, 35, 36, 41, and 43 - 57.*

III. Venue is appropriate in this Court

Removal to this court is proper pursuant to 28 U.S.C. § 1441(a) because this Court is the federal district court embracing the Circuit Court of Clinton County, Missouri, where the State Court Action was filed. Removal to the St. Joseph Division of this Court is proper pursuant to Local Rule 3.2.

Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, including but not limited to improper service of process, improper venue, lack of personal jurisdiction, or Plaintiff’s failure to state any claims upon which relief may be granted.

A copy of this Notice of Removal and exhibits hereto is being served upon Plaintiff, and, together with a Notice of Filing of Removal, will be filed with the Clerk of the Circuit Court of Clinton County, Missouri.

WHEREFORE, Defendant prays that further proceedings in the Circuit Court of Clinton County, Missouri, be discontinued and that said Case Number: 19CN-CC00056 now pending in the Circuit Court of Clinton County, Missouri, be removed to the United States District Court for Western Missouri, St. Joseph Division, and that such Court assume full jurisdiction of such action as provided by law.

Dated: October 2, 2019

Respectfully submitted,

JACKSON LEWIS P.C.

/s/ Kyle B. Russell

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2019, a copy of the above and foregoing was filed via the Court's CM/ECF electronic filing system with a copy sent via electronic mail and via first-class U.S. mail, postage prepaid, to the following counsel of record:

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ATTORNEYS FOR PLAINTIFF

/s/ Kyle B. Russell
ATTORNEY FOR DEFENDANT